

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

GARY B. FILLER and LAWRENCE PERLMAN,  
Trustees of the TRA Rights Trust,  
Plaintiffs,  
v.  
DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 04-CV-10477 (PBS)

JANET BAKER and JAMES BAKER, JKBAKER LLC  
and JMBAKER LLC,  
Plaintiffs,  
v.  
DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 04-CV-10501 (PBS)

**DRAGON PLAINTIFFS' MOTION FOR LEAVE  
TO FILE MOTION EXHIBITS UNDER SEAL**

Pursuant to Massachusetts Local Rule 7.2, Plaintiffs Gary B. Filler and Lawrence Perlman, Trustees of the TRA Rights Trust ("Filler Plaintiffs"), and Janet Baker, James Baker, JK Baker LLC and JM Baker LLC ("Baker Plaintiffs") (collectively, "Dragon Plaintiffs") hereby move for an order authorizing the filing under seal **Exhibits A** and **B** to Dragon Plaintiffs' Motion for Leave to File First Amended Complaints. **Exhibit A** is the Filler Plaintiffs' proposed First Amended Complaint. **Exhibit B** is the Baker Plaintiffs' proposed First Amended Complaint. For the Court's convenience, the Dragon Plaintiffs have coordinated the allegations in their respective proposed First Amended Complaints, such that the two complaints set forth identical allegations except that the Baker Plaintiffs' proposed First Amended Complaint includes an additional count of common law fraud.

In support of this motion, Dragon Plaintiffs state:

1. Contemporaneously with the instant motion, Dragon Plaintiffs are filing in each of the above-captioned actions, Dragon Plaintiffs' Motion for Leave to File First Amended Complaints (the "Motion"). Dragon Plaintiffs' proposed First Amended Complaints have been served on counsel for defendant Dexia Bank Belgium ("Dexia"), and courtesy copies thereof will be delivered to Chambers. However, Dragon Plaintiffs' proposed First Amended Complaints are not annexed to the electronically filed version of the Motion because they include information obtained from Dexia in discovery that (a) Dexia has designated as "confidential" pursuant to the Order Governing the Treatment of Confidential Information entered in each of the above-captioned actions on May 31, 2005 (the "Confidentiality Order"), and (b) has not previously been disclosed in a publicly filed document in these or any of the related actions against Dexia ("Dexia Confidential Information").

2. Dragon Plaintiffs do not believe that the Dexia Confidential Information in the proposed First Amended Complaints is entitled to protection under the Confidentiality Order or under Federal Rule of Civil Procedure 26(c). However, because Dragon Plaintiffs have not yet formally challenged Dexia's confidential designation of the particular documents that are the sources of the Dexia Confidential Information, Dragon Plaintiffs are required to move to file the proposed First Amended Complaints under seal.

3. Dragon Plaintiffs respectfully submit that the instant motion should be decided consistently with this Court's February 17, 2006 and July 27 2006 orders

denying motions to seal papers that included Dexia Confidential Information (including the Third Amended Complaint in *Quaak v. Dexia, S.A.*, No. 03-CV-11566-PBS).

**Certification Under Local Rule 7.1(a)(2)**

Pursuant to Massachusetts Local Rules 7.1(a)(2), undersigned counsel hereby certify that counsel for Dragon Plaintiffs have conferred with counsel for Dexia and attempted in good faith to resolve or narrow the issue presented by the instant motion.

Dated: September 15, 2006

Respectfully submitted,

GREGORY P. JOSEPH LAW OFFICES LLC

/s/ Susan M. Davies

Gregory P. Joseph, N.Y. Atty Reg. #1645852

Susan M. Davies, N.Y. Atty Reg. #2413508

([sdavies@josephnyc.com](mailto:sdavies@josephnyc.com))

805 Third Avenue, 31<sup>st</sup> Floor

New York, NY 10022

Telephone: (212) 407-1200

KOTIN, CRABTREE & STRONG

Amy C. Mainelli, BBO #657201

One Bowdoin Square

Boston, MA 02114

Telephone: (617) 227-7031

**COUNSEL TO PLAINTIFFS GARY B. FILLER  
and LAWRENCE PERLMAN,  
Trustees of the TRA Rights Trust**

PARTRIDGE, ANKNER & HORSTMAN LLP

/s/ Terrence K. Ankner

Terrence K. Ankner, BBO #552469

([tka@anknerlaw.com](mailto:tka@anknerlaw.com))

200 Berkeley Street, 16th Floor

Boston, MA 02116

Telephone: (617) 859-9999

BOIES SCHILLER & FLEXNER  
Karen C. Dyer  
George R. Coe  
225 South Orange Avenue, Suite 905  
Orlando, Florida 32801  
Telephone: (407) 425-7118

REED SMITH LLP  
Alan K. Cotler  
Joan A. Yue  
2500 One Liberty Place 1650 Market Street  
Philadelphia, PA 10103  
Telephone: (215) 851-8100

**COUNSEL TO PLAINTIFFS JANET BAKER,  
JAMES BAKER, JKBAKER LLC and  
JMBAKER LLC,**

**CERTIFICATE OF SERVICE**

I hereby certify that this document will be filed through the ECF system, which filing will constitute service of the document upon all registered ECF users as identified on the Notice of Electronic Filing (NEF). A paper copy of this document has been mailed in accordance with FED. R. CIV. P. 5(b) to all those case participants not identified on the NEF as electronic recipients.

/s/ Susan M. Davies  
Susan M. Davies, N.Y. Atty Reg. #2413508